



IN REPLY REFER
TO:

FWS/RIFO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Rock Island Field Office
4469 48th Avenue Court
Rock Island, Illinois 61201
Tel: 309/793-5800 Fax: 309/793-5804

Jun 9, 2000

Mr. D. Michael Light
Manager, Remedial Projects
Solutia, Inc.
10300 Olive Boulevard, F2EA
P.O. Box 66760
St. Louis, Missouri 63166-6760

Re: Contaminant Removal of Dead Creek

Dear Mr. Light:

On Thursday, June 1, 2000, the U.S. Fish and Wildlife Service (Service) and the Illinois Department of Natural Resources (IDNR) became aware of the U.S. Environmental Protection Agency's (USEPA) intent to perform a removal and follow up remedial actions at Sauget Area 1. These actions, pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), are apparently scheduled to begin at the site within the near future.

As natural resource trustees (Trustees), the Service, the IDNR, and the Illinois Environmental Protection Agency (IEPA) have an interest in Sauget area because of various federal or state threatened or endangered species as well as other federal and state trust resources. It is the understanding of Service that the removal and remedial actions either planned or ongoing are lead by USEPA. Both the Service and IDNR have attempted to facilitate dialogue with the USEPA on coordinating the removal and remedial actions in the Sauget area, but have not been successful in achieving that goal.

Under 42 USC 104 (b)(2) and 42 USC 122 (j)(1), (2), as well as 40 CFR 300.135 (j)(1) and (2), state and federal Trustees have responsibilities regarding potential injuries to natural resources resulting from a release of oil or hazardous substances. It is our understanding that under Section 104 of CERCLA, any response action must be "consistent with the national contingency plan." Since neither the Service nor IDNR were provided the opportunity to

Mr. D. Michael Light

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participate in the planning of the proposed removal or remedial actions, it is difficult to understand how the proposed actions covered by the Unilateral Administrative Order (UAO) are compliant with the NCP and CERCLA.

It has been the intent of the Service and IDNR to coordinate with the USEPA and responsible parties (RPs) on remedial and removal actions at the Sauget Sites. We believe that a mutual goal of early coordination on projects such as this can culminate in restoration planning or restoration of natural resources during response or corrective actions, not after the fact. Mutual advantages to the RPs and Trustees when early coordination is achieved are: faster restoration of natural resources and services; lower overall cost to RPs, agencies and public; lower data collection costs; increased likelihood of selecting the most cost-effective response or corrective action; and minimizing the probability of litigation.

We would appreciate the opportunity to discuss natural resource issues associated with the aforementioned removal action, or any other planned remedial/removal actions planned for the Sauget Area Sites. It is suggested that a meeting be set up to discuss details of the removal action as it may pertain to injuries to natural resources. Because of various time frames outlined in the UAO, we would suggest that a such meeting be scheduled as soon as possible.

We look forward to discussing this matter with you in the near future. If you have any questions or concerns regarding this issue, please contact Kevin de la Bruere of my staff at extension 530.

Sincerely,



Richard C. Nelson
Supervisor

cc: File
Richard Karl, USEPA
Bill Child, IEPA
Stephen Davis, IDNR